IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2041 OF 1999

Solapur Zilla Vinkar Sahakari
Fe. & ors. ...Petitioner

Vs.

The State of Maharashtra and
Ors. ... Respondents

Mr. G.S. Godbole for Petitioner.

Mr. C.R. Sonawane, A.G.P. for R.Nos. 1 to 4.

Mr. R.V. More for R.Nos. 5 and 6.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 23, 2005

P.C.

. In exercise of powers under Section 14(1) of the M.C.S. Act, an amendment was carried out to the byelaws of Respondent No. 5. One of the amendment was to introduce byelaw 28(1)(4). By the said amendment, the petitioners were given a right to nominate his representatives as member of the Managing Committee of Respondent No. 5 society. Respondent No. 5 society aggrieved by that order, preferred an appeal. By order of 17.12.1990 the order of 12.11.1990 was stayed which transpires that thereafter according to Petitioners herein, on the submission made by the then Chairman was allowed and the amendment including to that of 28(1)(4) was set aside through respondent No. 5

did not challenge the amendment of 28(1)(4).

. When the petition comes up for hearing, it is found that in fact there was no challenge by Respondent No. 5 to the amendment of 28(1)(4). Considering that Order dated 13.4.1998 passed by the Respondent No. 2 and consequential order of Respondent No. 3 dated 1.6.1998 deleting byelaw 28(1)(4) of the byelaws of Respondent No. 5 is set aside. In other words, byelaw 28(1)(4) forms part of the byelaws of Respondent No. 1 society. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)